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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DEFENDERS OF WILDLIFE *et al.*,
Plaintiffs,
v.
U.S. FISH AND WILDLIFE SERVICE *et al.*,
Defendants.

WILDEARTH GUARDIANS *et al.*,
Plaintiffs,
v.
DEBRA HAALAND, U.S. SECRETARY OF
THE INTERIOR *et al.*,
Defendants.

NATURAL RESOURCES DEFENSE
COUNCIL, INC.
Plaintiff,
v.
U.S. DEPARTMENT OF THE INTERIOR *et al.*,
Defendants.

Case No. 4:21-cv-00344-JSW

Related Cases: 4:21-cv-00349-JSW
4:21-cv-00561-JSW

STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING THE DEADLINE
FOR MOTION ON ATTORNEYS' FEES,
COSTS, AND OTHER EXPENSES

Judge: Honorable Jeffrey S. White

Pursuant to Civil Local Rule 6-2, and conforming with Civil Local Rule 7-12, Plaintiffs, Federal Defendants, and Defendant-Intervenors stipulate to and respectfully request that the Court order an extension of the deadline for the filing of a motion and briefing on attorneys' fees, costs, and other expenses as provided by Civil Local Rule 54-5.

Unless otherwise ordered by the Court, Civil Local Rule 54-5 and Fed. R. Civ. P. 54(d)(2)(B) require that a Motion for Attorneys' Fees be filed and served within 14 days of entry of judgment by the District Court. Given this Court's entry of judgment on February 10, 2022 (ECF No. 139), Plaintiffs' attorneys' fees motion would be due on February 24, 2022 under those rules. Through this stipulation, the Parties have agreed to extend this deadline until 30 days following the deadline for any appeal, or, if any appeal is noticed, 30 days following the U.S. Court of Appeals for the Ninth Circuit's mandate related to any appeal. The Parties request that the Court enter an order adopting this stipulation.

Good cause exists to adopt this stipulation. Granting the requested extension will facilitate efficient resolution of Plaintiffs' claim for attorneys' fees, costs, and other expenses in light of the time remaining for the parties to notice an appeal of this Court's judgment pursuant to Fed. R. App. P. 4(a)(1)(B), as a fee motion filed within the ordinary 14-day timeframe specified by Fed. R. Civ. P. 54(d)(2)(B) and Civil Local Rule 54-5 could be superseded by a later-filed notice of appeal.

In the event that no appeal is filed or that the final disposition of any such appeal is in Plaintiffs' favor, granting the requested extension will promote efficiency and judicial economy by allowing time for Plaintiffs and the Federal Defendants to pursue settlement discussions aimed at resolving Plaintiffs' claim for fees and costs without the need for this Court's adjudication of any disputed issues. Similarly, if an appeal is filed and the final disposition is in Defendants' favor,

1 granting the requested extension may alleviate the Court's need to resolve a motion for fees and
2 costs.

3 Accordingly, the Parties respectfully request the Court adopt this stipulation and enter an
4 order extending the deadline to file any motion for attorneys' fees, costs, and other expenses until
5 30 days following the deadline for an appeal, or, if an appeal is noticed, 30 days following the entry
6 of the Ninth Circuit's mandate resolving any appeal.
7

8 Respectfully submitted this 17th day of February, 2022.

9 /s/ Kristen L. Boyles

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E-FILING ATTESTATION

Pursuant to Civil Local Rule 5-1(h)(3), I attest that John R. Mellgren, Francis W. Sturges, Jr., Michael R. Eitel, Jeremy E. Clare, and Jason Deforest have concurred in the filing of this document.


/s/ Kristen L. Boyles

KRISTEN L. BOYLES, Cal. Bar No. 158450

Counsel for Plaintiffs Defenders of Wildlife et al.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 18, 2022


HONORABLE JEFFREY S. WHITE
Senior United States District Judge